

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Blake Marcell Clark,)	C/A No. 1:18-325-JFA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Aiken Department of Public Safety; Terrance)	
Fredrick Pattern; J. Waltower; B. Bethmann;)	
and D. Drasher,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Blake Marcell Clark, is an inmate with the South Carolina Department of Corrections (“SCDC”). He brings this action pursuant to 42 U.S.C. § 1983 alleging various claims that his constitutional rights were violated by the defendants.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should dismiss the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for lack of prosecution.

The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

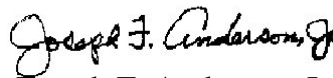
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The plaintiff was advised of his right to file objections to the Report and Recommendation (ECF No. 15), which was entered on the docket on April 6, 2018. On May 1, 2018 the plaintiff filed an objection to the Report (ECF No. 19), seeking to reopen his filing period, file an amended complaint, and otherwise comply with the previous orders of the Magistrate Judge. In his objections to the Report, the plaintiff explains that he was a pretrial detainee at the time the complaint was filed and that he was subsequently transferred to the SCDC. He also contends that he did not receive the Report and Recommendation until April 12, 2018. The plaintiff filed an amended complaint (ECF No. 20) and submitted proposed summons forms.

Because the plaintiff has filed an amended complaint and wishes to proceed with this action, the Magistrate Judge's Report and Recommendation is vacated and this action is returned to the Magistrate Judge for further handling of the action.

IT IS SO ORDERED.

May 22, 2018
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge